

LEXINGTON-FAYETTE URBAN COUNTY COUNCIL

WORK SESSION AGENDA

October 21, 2008

- I. Public Comment – Issues on Agenda**
- II. Requested Rezoning / Docket Approval – Yes**
- III. Approval of Summary-Yes, October 14, 2008, pp.8-11**
- IV. Budget Amendments – Yes, pp.12-20**
- V. New Business, pp.23-49**
- VI. Continuing Business / Presentations**
 - A. Intergovernmental Committee(separate, not in packet)**
 - B. The Japan / Kentucky Cultural Exchange
Presentation, Glen Krebs, Chair, Japan/America
Society of Kentucky**
 - C. Airport Board General Obligation Bond
Issuance – John C. Merchant, Bond Counsel, Peck
Shaffer**
- VII. Council Report**
- VIII. Mayor's Report – None**
- IX. Public Comment – Issues Not on Agenda**
- X. Closed Session – Proposed Litigation**

ADMINISTRATIVE SYNOPSIS

New Business Items

- A. Authorization of a Facility Usage Contract with the Fayette County Board of Education (FCBE) on Behalf of the Department of General Services, Division of Parks and Recreation for Rental of the "It's About Kids" Support Services (IAKSS) Norsworthy Auditorium for Kiddie Kapers Program. (552-08) (Hancock/Cole)
This request will authorize a Facility Usage Contract with the FCBE for \$482.50 on behalf of the Division of Parks and Recreation for rental of the IAKSS Norsworthy Auditorium for the Kiddie Kapers Program for Saturday, December 6, 2008. Funds are budgeted.**p.23**
- B. Authorization of a Facility Usage Contract with the Fayette County Board of Education (FCBE) on Behalf of the Department of General Services, Division of Parks and Recreation for Rental of the Jesse Clark Middle School Gymnasium for the Boys Youth Basketball Program. (555-08) (Hancock/Cole)
This request will authorize a Facility Usage Contract with the FCBE for \$358.75 on behalf of the Division of Parks and Recreation for rental of the Jesse Clark Middle School Gymnasium for the Boys Youth Basketball Program to be held on Saturdays beginning December 6, 2008 through March 14, 2009. Funds are budgeted.**p.24**
- C. Authorization to Accept an Award from the Kentucky Arts Council on Behalf of the Department of General Services, Division of Parks and Recreation under the Arts Build Communities Grant Program. (565-08) (P. King/Cole)
This request will authorize the acceptance of an award of \$5,000 from the Kentucky Arts Council on behalf of the Division of Parks and Recreation under the Arts Build Communities Grant Program for implementation of the Park Bench Sculpture Project for a park bench in Woodland Park. The Lexington Art League will contribute \$2,500 and the Division will contribute an in-kind match by documented hours spent on this project. Sculptor Gordon Gildersleeve is the project artist and will acquire all materials needed to create the sculpture. The Division will be responsible for the foundation and installation of the sculpture. Total Project cost is \$10,000.**p.25**
- D. Authorization of Change Order No. 1 to Contract with BCD Inc. on Behalf of the Department of General Services, Division of Parks and Recreation Regarding the Ecton Park Pavilion Project. (566-08) (Hancock/Cole)
This request will authorize Change Order No. 1 to increase contract amount by \$9,577.82 with BCD, Inc. on behalf of the Division of Parks and

Recreation for the Ecton Park Pavilion Project. This increase will replace a toilet paper holder, install steel angles to support the arch; replace an existing light pole base, refinish the plaque, paint concrete columns with graffiti-proof paint, and install a sidewalk and handrails under the Americans with Disabilities Act. Original contract amount was \$161,675. New contract amount is \$171,252.82. Funds are budgeted.**pp.26-28**

- E. Authorization to Execute Documents to Transfer Certain Employees in the Department of Public Safety, Division of Community Corrections to Hazardous Duty Pension Coverage in the County Employees Retirement System (CERS). (556-08) (Allen/Koch)

This request will authorize the approval of documents to transfer certain employees within the Division of Community Corrections in the position of Director Community Corrections, Assistant Director Community Corrections, Community Corrections Major, Community Corrections Captain, Community Corrections Lieutenant, Inmate Services Supervisor, Life Skills Program Specialist, Community Corrections Sergeant, and Community Corrections Officer to Hazardous Duty Pension Coverage in the CERS under KRS 61.592.**p.29**

- F. Authorization of a Partial Release of a Sanitary Sewer Easement with Patchen Wilkes Realty, LLC on Property Located South of Patchen Wilkes Drive. (551-08) (Askew)

This request will authorize a Partial Release of a Sanitary Sewer Easement of 3,910 square feet with Patchen Wilkes Realty, LLC on property located south of Patchen Wilkes Drive. This release has been reviewed and approved by the Divisions of Engineering, Water Quality, and Traffic Engineering, and the Department of Law. There is no budgetary impact.**p.30**

- G. Authorization of Amendment No. 1 to Resolution No. 571-2008 Regarding the Living Wage Hourly Rate Increase for Non-Contract Bargaining Unit Employees. (572-08) (Askew)

This request will authorize an Amendment No. 1 to Resolution No. 571-2008 regarding the living wage hourly rate increase for non-contract bargaining unit employees to correct a typing error of the hourly rate from **\$11.50** to read **\$11.15**. Non-contract bargaining unit employees were being paid at the \$11.15 rate.**p.31**

- H. Authorization to Accept Proposal from MXI Environmental Services, LLC for Operation of the Household Hazardous Waste (HHW) Fall Haul. (550-08) (McFadden/Taylor)

This request will authorize the acceptance of a proposal from MXI Environmental Services, LLC at a cost not to exceed \$200,000 for operation of the HHW Fall Haul and the recycling / disposal of HHW materials. Funds are budgeted.**pp.32-34**

- I. Authorization of an Internal Revenue Service Civil Rights Assurance for Sub-Recipients under Stakeholder Partnerships, Education and Communication (SPEC) Partnership and Sponsor Agreements for Volunteer Income Tax Assistance (VITA) to Perform Tax Preparation for Household under \$42,000. (554-08) (Helm)
This request will authorize an Internal Revenue Service Civil Rights Assurance for Sub-Recipients under SPEC Partnership Agreement to ensure that persons with household income of less than \$42,000 will not be discriminated against at the sites. The Sponsor Agreements provides VITA space at the Central Kentucky Job Center, the Family Care Center, and the Gainesway Community Center to prepare tax returns free to these households.**p.35**
- J. Authorization of Amendment No. 1 to the Joint Funding Agreement with the US Department of the Interior, US Geological Survey (USGS). (564-08) (Martin/Taylor)
This request would authorize Amendment No. 1 to the Joint Funding Agreement to increase the amount by \$7,800 with the US Department of Interior, USGS, to remove the stream / precipitation gage located at the North Elkhorn Creek near Winchester Road before construction begins for the widening of the road and be reinstalled after the construction is completed. The original agreement not to exceed \$86,910 was approved by Resolution No. 534-2008 dated September 18, 2008. The new agreement amount with USGS will not exceed \$94,710. ATS Construction has paid the increase amount to LFUCG who will, in turn, pay USGS. There is no change to LFUCG's original amount.**p.36**
- K. Authorization of Amendment No. 1 to Agreement with the Fayette County Commonwealth Attorney's Office on Behalf of the Department of Public Safety, Division of Police under the Cold Case Homicide Squad Project. (557-08) (P. King/Bennett)
This request will authorize Amendment No. 1 to Agreement with the Fayette County Commonwealth Attorney's Office to extend the agreement through June 30, 2009 and for funds in the amount of \$10,000 for the support of additional prosecutor services on behalf of the Division of Police to complete its federally funded activities.**p.37**
- L. Authorization of Agreements with the Commonwealth Attorney 28th Judicial Circuit, the Kenton County Commonwealth Attorney's Office, and the Fayette County Commonwealth Attorney's Office under the 2007 Project Safe Neighborhood (PSN) Grant Program. (559-08) (P. King/Bennett)
This request will authorize agreements with: the Commonwealth Attorney 28th Judicial Circuit (Rockcastle, Lincoln, and Pulaski counties) in the amount of \$12,000 to offset the cost of an assistant prosecutor; the Kenton County Commonwealth Attorney's Office in the amount of \$20,000 to offset the cost of an assistant prosecutor; and the Fayette Commonwealth Attorney's Office in the amount of \$19,371 for personnel

costs of a Cease-Fire Coordinator under the 2007 PSN Grant Program for prosecution of gun crimes. This federal funded Program will bring together federal, state and local law enforcement and communities in a unified effort to reduce gun crimes in the US. The grant funds were accepted on behalf of the Eastern District of Kentucky from the US Department of Justice under the 2007 Project Safe Neighborhood Program. LFUCG serves as the fiscal agent for these funds.**p.38**

M. Authorization to Submit Application to the US Department of Justice on Behalf of the Department of Public Safety, Division of Community Corrections under the 2008 State Criminal Alien Assistance Program (SCAAP). (558-08) (P. King/Bennett)

This request will authorize the acceptance of an award of federal funds in the amount of \$119,587 from the US Department of Justice under the 2008 SCAAP on behalf of the Division of Community Corrections. SCAAP provides funds to states and localities as reimbursement costs of incarcerated undocumented criminal aliens who have been in custody for at least four (4) consecutive days, and convicted of a felony or two (2) misdemeanor offenses. The FY2008 SCAAP payment amounts were determined using a sampling of actual inmate, cost and facility data for a specified reporting period. SCAAP uses prior year's data to determine applicants' annual relative percentage of available funding. The Division has recommended these funds be used to purchase minor and capital equipment, maintenance, and a part-time substance abuse counselor. No matching funds are required.**p.39**

N. Authorization of an Agreement with the Lexington Children's Theatre, Inc. for Implementation of an Anti-Gang Juvenile Outreach Program. (560-08) (P. King/Bennett)

This request will authorize an Agreement for federal funds in the amount of \$6,779 with the Lexington Children's Theatre for implementation of a new and expanded Anti-Gang Juvenile Outreach Program under the Project Safe Neighborhoods initiative. The Theatre will be used for "The Bully Show" for an anti-bullying curriculum for sixth grade classrooms in Lexington-Fayette County. This Program will bring together federal, state and local law enforcement and communities in a unified effort to reduce gangs across the US. The grant funds were accepted on behalf of the Eastern District of Kentucky from the US Department of Justice under the 2007 Anti-Gang Initiative Program. LFUCG serves as the fiscal agent for these funds. This project will be funded from the 2006 Anti-Gang Initiative Grant.**p.40**

- O. Authorization to Accept a Donation from the Lexington Legends on Behalf of the Department of Public Safety, Division of Police. (561-08) (Bastin/Bennett)

This request will authorize the acceptance of 3,700 Chevron mini-police toy cars from the Lexington Legends on behalf of the Division of Police. The toy cars will be distributed by the Division's Community Services Section during various community programs.**p.41**

- P. Authorization of an Agreement with Windstream Kentucky East, LLC on Behalf of the Department of Public Works and Development for the Liberty / Todds Road Widening and Reconstruction Project. (562-08) (P. King/Webb)

This request will authorize an Agreement with Windstream Kentucky East, LLC on behalf of the Department of Public Works and Development for the relocation of communications utilities constructed and maintained by Windstream within the 400-foot area northwest of the intersection of Man 'O War Boulevard and Todds Road to Andover Forest Drive for widening under the Liberty / Todds Road Widening and Reconstruction Project. The Project is funded by federal and state funds from the Kentucky Transportation Cabinet. Windstream is responsible for 52% and LFUCG is responsible for 48% (\$69,353) of the total cost of relocating these utilities. Funds are budgeted.**p.42**

- Q. Authorization of an Agreement with Columbia Gas of Kentucky on Behalf of the Department of Public Works and Development for the Liberty / Todds Road Widening and Reconstruction Project. (563-08) (P. King/Webb)

This request will authorize an Agreement with Columbia Gas of Kentucky on behalf of the Department of Public Works and Development for the relocation of utilities constructed and maintained by Columbia Gas within the 400-foot area northwest of intersection of Man 'O War Boulevard and Todds Road to Andover Forest Drive for widening under the Liberty / Todds Road Widening and Reconstruction Project. The Project is funded by federal and state funds from the Kentucky Transportation Cabinet. Columbia Gas is responsible for 26% and LFUCG is responsible for 74% (\$93,866) of the total cost of relocating these utilities. Funds are budgeted.**p.43**

- R. Authorization to Execute an Agreement with Windstream Kentucky East, LLC on Behalf of the Department of Public Works and Development for the Clays Mill Road Improvements Project. (553-08) (P. King/Webb)

This request will authorize the execution of an Agreement with Windstream Kentucky East, LLC to relocate telecommunications utilities constructed and maintained by Windstream between Higbee Mill Road and Keithshire Way for the Clays Mill Road Improvements Project. LFUCG will be responsible for 28.81% (\$77,358.39) of the total costs of relocating these utilities. Funds are budgeted.**p.44**

- S. Authorization of a Deed of Acceptance for a Permanent Sanitary Sewer Easement and a Temporary Construction Easement under the Cadentown / Versailles Road Sanitary Sewer Project at Property Located at 1812 Versailles Road. (567-08) (Rayan/Webb)
This request will authorize a Deed of Acceptance for 1,586 square feet for a Permanent Sanitary Sewer Easement and 1,568 square feet for a Temporary Construction Easement under the Cadentown / Versailles Road Sanitary Sewer Project at property located at 1812 Versailles Road at no cost to LFUCG.**p.45**
- T. Authorization of a Deed of Acceptance for a Permanent Sanitary Sewer Easement and a Temporary Construction Easement under the Cadentown / Versailles Road Sanitary Sewer Project at Property Located at 1808 Versailles Road. (568-08) (Rayan/Webb)
This request will authorize a Deed of Acceptance for 1,307 square feet for a Permanent Sanitary Sewer Easement and 1,307 square feet for a Temporary Construction Easement under the Cadentown / Versailles Road Sanitary Sewer Project at property located at 1808 Versailles Road at no cost to LFUCG.**p.46**
- U. Authorization of a Deed of Acceptance for a Permanent Sanitary Sewer Easement and a Temporary Construction Easement under the Cadentown / Versailles Road Sanitary Sewer Project at Property Located at 1806 Versailles Road. (569-08) (Rayan/Webb)
This request will authorize a Deed of Acceptance for 132 square feet for a Permanent Sanitary Sewer Easement and 349 square feet for a Temporary Construction Easement under the Cadentown / Versailles Road Sanitary Sewer Project at property located at 1806 Versailles Road at no cost to LFUCG.**p.47**
- V. Authorization of Amendment No. 1 to Resolution No. 562-2007 Regarding the Cadentown / Versailles Road Sanitary Sewer Project at Property Located at 2852 Liberty Road. (570-08) (Rayan/Webb)
This request will authorize Amendment No. 1 to Resolution No. 562-2007 dated November 1, 2007 regarding the Permanent Sanitary Sewer Easement and Temporary Construction Easement for the Cadentown / Versailles Road Sanitary Sewer Project at property located at 2852 Liberty Road for change of property ownership. There are no other changes associated with this Amendment.**p.48**
- W. Authorization to Renew Excess Liability Insurance from the Kentucky League of Cities (KLC), Agent for Insurance Company of the State of Pennsylvania. (573-08) (Askew)
This request will authorize the renewal of the proposed premium for \$5 million excess coverage for \$638,117 from KLC, Agent for Insurance Company of the State of Pennsylvania, from November 1, 2008 to November 1, 2009. Funds are budgeted.**p.49**